

REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office Action dated September 15, 2003, are respectfully requested.

I. Finality

Applicant's representative thanks the Examiner for the September 19, 2003, interview during which the Examiner agreed to withdraw the finality of the September 15, 2003, Office Action. Finality was improper because independent claim 1 was not amended and was rejected based on new references.

II. Amendments

Claim 1 has been amended to clarify the difference between items and units of items. More specifically, claim 1 has been amended to recite, *inter alia*, a method for "identifying auctions offering units of the same item," information about a first auction "including a description of a first item unit," auctions offering "item units that are units of the same item as the first item unit," etc.

Claim 2 has been amended to correct a typographical error.

Claim 14 has been amended for clarification. Claim 14 now recites "wherein each of the identified purchasing opportunities in the proper subset has a purchasing opportunity score that exceeds a minimum threshold."

Claim 56 and 57 are new claims that depend from claim 1 and are similar to dependent claims 13 and 19, respectively.

III. Claim Objections and Rejections under 35 U.S.C. § 112, first paragraph

The Examiner rejected claim 1 under the enablement requirement of 35 U.S.C. § 112, first paragraph. Likewise, the Examiner objected to claim 1 as "based on a disclosure which is not enabling." In particular, the Examiner is concerned that the disclosure does not support a claim that identifies "that the item is the same as the one identified" or "an auction for the same item." In response to the Examiner's concerns, applicant has amended Claim 1 to clarify the difference between items and units of

items. For example, claim 1 now recites a method for "identifying auctions offering units of the same item." Applicant notes that, while it may not be possible for two items to be the same item, it is certainly possible for two item units to be units of the same item. For example, the two units can be two different physical objects in different conditions, etc., and still be units of the same item.

Because the disclosure provides a detailed and enabling description for identifying auctions in the way that is claimed (see, e.g., Figures 3 and 4 and their corresponding textual descriptions), the objection and rejection should be withdrawn.

IV. Rejections under 35 U.S.C. § 112, second paragraph

The Examiner rejected claim 1 under 35 U.S.C. § 112, second paragraph, for indefiniteness. As discussed above with respect to 35 U.S.C. § 112, first paragraph, applicant has amended Claim 1 to clarify the difference between items and units of items. For example, claim 1 now recites a method for "identifying auctions offering units of the same item." When used in the context of the amended claim, the term "same" is not repugnant to the usual meaning of that term. Accordingly, claim 1 is not indefinite and the rejection should be withdrawn.

The Examiner rejected claim 16 under 35 U.S.C. § 112, second paragraph, stating that it cannot logically depend from claim 14. In response, applicant has amended claim 14 to clarify that "each of the identified purchasing opportunities in the proper subset has a purchasing opportunity score that exceeds a minimum threshold." Accordingly, claim 16, which effectively states that the displayed subset "includes all purchasing opportunities whose purchasing opportunity scores exceed the minimum threshold" can logically depend from claim 14. For example, the subset of claim 14 can include some or all of the purchasing opportunities whose scores exceed the threshold while the displaying in claim 16 must include all the purchasing opportunities whose scores exceed the threshold.

V. Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1-36 under 35 U.S.C. § 103(a) as being unpatentable over the Philips Semiconductor's web page in view of U.S. Patent

No. 5,848,407, to Ishikawa, et al., and U.S. Patent No. 6,212,517, to Sato, et al. Applicant respectfully traverses this rejection.

A. The Applied Art

The Philips Semiconductor web page document shows an instance of a web page that displays a description for a selected product (an SA571 Compandor). In addition, it shows possible applications, features, and additional data about the product (e.g., a link to a data sheet about the product). On the web page near the product description, there is a link that allows the user to "find similar products." When the user selects this link in the context of the SA571 Compandor, two product hierarchies are shown, each presented in a drill-down-style menu. A broad parent category labeled "IC's" tops both of the hierarchies. In the first hierarchy, the IC's category is followed by a subcategory labeled "Audio/Video/PC." In the second menu, the IC's category is followed by a subcategory labeled "Communications." Each of the menus continues to drill-down to the level of the selected product (SA571 Compandor), displaying additional subcategories along the way, including a more general "Compandors" subcategory.

Both Ishikawa and Sato disclose key word searching techniques using inverse document frequency. However, neither Ishikawa nor Sato describes an application of inverse document frequency searching that is similar to applicant's technique.

B. Analysis

Applicant's techniques as recited in claim 1 include, *inter alia*, selecting terms occurring within the description of a first item unit; for each of the selected terms, conducting a search to find auctions whose item descriptions contain the selected term; identifying an auction among found auctions as an auction offering an item unit that is a unit of the same item as the first item unit; and displaying information about the identified auction.

Applicant's techniques as recited in claim 2 include, *inter alia*, identifying purchasing opportunities of a set containing one or more key words; establishing a

purchasing opportunity score for each identified purchasing opportunity; and displaying information about the identified purchasing opportunities.

While the Philips Semiconductor web page allows users to "find similar products" by displaying one or more hierarchical category menus associated with a selected product, the Philips Semiconductor web page does not select any terms from an item description, conduct a search, or identify any particular products or items, as recited. Likewise, it does not identify purchasing opportunities of a set containing one or more key words or establish purchasing opportunity scores. Also, it does not display identified products. Instead, it merely displays product category menus linked to the originally selected product so that a user can browse the displayed menus to look for products in related categories. As applicant notes in the specification, the type of approach used by Philips is generally undesirable:

Unfortunately, purchasing opportunities are generally not well-organized with respect to these objectives. Indeed, it is common for purchasing opportunities to be organized into general item categories, such as "office supplies" vs. "kitchen implements." In some cases, purchasing opportunities are not organized at all.

Accordingly, a technique for automatically identifying opportunities to purchase similar items on the World Wide Web would have significant utility.

(Specification at 1:22-2:2.) Because the Philips Semiconductor web page relies exclusively on product hierarchy menus and item categories to help a user "find similar items" there is no motivation to combine the Philips Semiconductor web page reference with the other cited reference that teach inverse document frequency techniques. Accordingly, the Examiner has failed to establish a case of *prima facie* obviousness, and the rejection should be withdrawn.

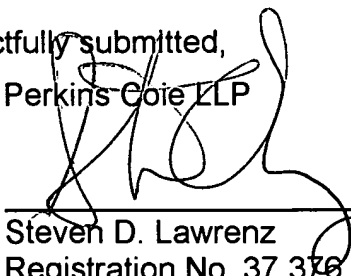
VI. Conclusion

Overall, none of the applied references, either singly or in any motivated combination, teach or suggest the features recited in independent claims 1 and 2, and thus such claims are allowable. Because these independent claims are allowable, based on at least the above reasons, the claims that depend from them are likewise allowable. In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. § 112 and patentably define over the applied art. A

Notice of Allowance is therefore respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-6373.

Respectfully submitted,
Perkins Coie LLP

Date: January 15, 2004



Steven D. Lawrenz
Registration No. 37,376

Correspondence Address:

Customer No. 25096
Perkins Coie LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-8000